

REMARKS

Claims 14, 15, 18, 22, 23, 25, and 27 are pending in the present application. Claims 1-13, 16, 17, 19, 24, and 26 were previously cancelled, and claims 20 and 21 are cancelled herein. Claims 14, 15, 18, 22, 23, 25, and 27 have been amended. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

The specification was objected to as assertedly failing to provide proper antecedent basis for the phrase “computer readable storage medium” recited in claims 14, 15, 18, 20-23, 25, and 27. Applicants have amended the claims to more particularly recite an embodiment of the present invention.

Applicants note that the claim language is supported at least by paragraphs [0002], [0025], [0027], [0028], and [0058], as well as by the abstract. “New or amended claims which introduce elements or limitations which are not supported by the as-filed disclosure violate the written description requirement.” MPEP § 2163. However, “[w]hile there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, *implicit*, or inherent disclosure.” MPEP § 2163 (emphasis added). Applicants respectfully submit that one of ordinary skill in the art would clearly recognize the cited paragraphs as supporting the claims as amended, if not expressly, certainly implicitly.

In view of the above amendments and remarks, Applicants respectfully request that the objection to the specification be withdrawn.

Claims 22, 23, and 25 were rejected under 35 U.S.C. § 101 because the claimed invention is assertedly directed to non-statutory subject matter. Applicants have amended claims 22, 23, and 25 to refer to a network element that comprises means for the recited features. Applicants assert that this is clearly statutory subject matter as well as clearly supported by the

specification, as noted by the Office Action itself. Accordingly, Applicants respectfully request that these rejections be withdrawn.

Claims 14, 15, and 20-23 were rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent No. 6,131,117 (hereinafter “Clark”) in view of U.S. Patent No. 5,886,643 (hereinafter “Diebboll”). Claims 18 and 25 were rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Clark in view of Diebboll and U.S. Patent No. 6,985,960 (hereinafter “Takashima”). Claim 27 was rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Clark in view of Diebboll and U.S. Patent No. 6,900,822 (hereinafter “Germain”). Applicants respectfully traverse these rejections.

Applicants have amended claim 14 to recite, “performing a mapping between said IP addresses and physical resource information within said IP network, the physical resource information comprising identities of physical resources and an amount of each physical resource.” By this amendment, Applicants explicitly recite that the IP addresses are mapped to the physical resource information, and further provide explicit limitations on the physical resource information in that the physical resource information must include the identities and the amount of physical resources.

Applicants further note that the Specification explicitly excludes the logical addresses as being physical resources. For example, paragraphs [0038] and [0039] of Applicants’ Specification as published discusses the distinctions between logical addresses and physical resources, and the fact that many logical addresses may share a single physical resource. As a result, “the [prior] resource map does not provide a correct representation of available resources, since the physical resources are overrated.” Specification, paragraph [0038] as published.

Applicants' claim 14 presents a solution to this problem by combining a topology map of the IP network with resource information that comprises information about identities of IP addresses and quantity of IP addresses. These IP addresses are then mapped with the physical resource information of the network, wherein the physical resource information includes the identities of the physical resources as well as the amount of each physical resource. In this manner, the use of the actual physical resources of the network may be monitored. These claim limitations are not disclosed or suggested by the cited references.

In fact, Clark discloses creating an overlay between the SNA and IP resources, and between NetBios and IP resources. It should be noted, however, that neither SNA nor NetBios refers to physical resources. In fact, Clark discloses that "the SNA architecture addresses only the network layer [] through the presentation layer[]." Clark, column 3, lines 3-7. As can be seen from Fig. 1 of Clark, these layers are above the physical layer and do not refer to physical resources.

Clark further discloses that "NetBios is a high-level programming interface that provides functions associated with the network, transport and session layers of the OSI model." Clark, column 3, lines 44-46. Again, as can be seen from Fig. 1 of Clark, the network, transport, and session layers of the OSI model are above the physical layer.

It should also be noted that the IP addressing corresponds to the network layer of the OSI levels. See, *e.g.*, Clark, column 2, lines 63-65. In view of the fact that Applicants' Specification clearly distinguishes between logical addresses (*e.g.*, IP addresses) and physical resources, it is clear that Clark only discloses a mapping from one logical representation to another logical representation, *i.e.*, from a logical SNA representation to a logical IP representation and from a

logical NetBios representation to a logical IP representation. Importantly, neither of these discloses mapping a logical IP address to a physical resource.

Regarding Diebboll, Applicants respectfully assert that Diebboll fails to disclose, *inter alia*, “the physical resource information comprising identities of physical resources and an amount of each physical resource.” Diebboll assertedly keeps an address table that indicates which IP addresses have been associated with a given MAC address. The MAC address, however, does not necessarily map identify the physical resource. For example, it is known that in systems such as virtual LANs that many MAC addresses (one per VLAN) may map to a single physical interface (a limited physical resource).

Furthermore, Applicants respectfully assert that Clark and Diebboll may not be combined in the manner as suggested by the Office Action. The Office Action asserted that it would have been obvious to combine Clark and Diebboll to improve “Clark’s topology functionality by providing a mapping of the network with more information about each node.” Office Action, page 10. Applicants note, however, that the MPEP explicitly prohibits the substitution of the SNA/NetBios references with the MAC addresses of Diebboll. “If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” MPEP § 2143.01. In this case, Clark is concerned with the mapping of logical IP addresses to the logical SNA/NetBios resources. If the logical SNA/NetBios references of Clark were to be replaced with the MAC addresses of Diebboll to provide a mapping between the IP addresses and the MAC addresses, then a mapping between the logical IP entities and the logical SNA/NetBios entities would not be possible, thereby rendering the invention of Clark unsatisfactory for its intended purpose. Such a modification is not permitted.

Furthermore, it is improper to simply add the MAC addresses of Diebboll to the logical cross-reference of Clark. As discussed above, Clark is only concerned with the mapping between IP references and SNA/NetBios references, all of which are logical references. As such, the system disclosed in Clark has absolutely no use for the MAC addresses disclosed in Diebboll – the addition of MAC addresses would provide no benefit to the system disclosed in Clark. Because there is no use for such information, one of ordinary skill in the art when considering Clark would not have been motivated to combine Clark and Diebboll as suggested by the Office Action – it would require additional processing with no added benefit to the system of Clark.

Clark itself notes that the use of a protocol stack, such as the OSI layers, “permits each layer to offer selected services to other layers using a standardized interface that shields those layers from the details of actual implementation of the services.” Clark, column 1, lines 30-33. Hence, Clark states that the use of the logical IP references and logical SNA/NetBios references permits the details of the lower layers of the OSI stack to be shielded.

Similar limitations have been added to claim 22.

In view of the above amendments and remarks, Applicants respectfully request that the rejections of claims 14 and 22 be withdrawn. Claims 15, 18, 20, 21, 23, 25, and 27 depend from and further limit at least one of claim 14 and claim 22. Accordingly, Applicants respectfully request that the rejections of these claims be withdrawn as well.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Roger C. Knapp, Applicants' attorney, at 972-732-1001, so that such issues may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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